

MAYOR HANDS KERNOCHAN ONE

POLICE WHO SAW GAMBLING COULD GET NO WARRANT.

They Say That They Saw It Through a Window and That the Magistrate Demanded "Inside Evidence" Major Remits "Such Conduct as This."

Police Commissioner Wado wrote to Mayor Gaynor yesterday that some of his detectives had not been able to get warrants from Magistrate Kernochan for the arrest of gamblers although the detectives had evidence that justified a raid. The Mayor sent a letter immediately to Chief Magistrate McAdams saying it was useless for him to try to have the police do their duty when there was "such conduct as this on the part of a magistrate."

With his letter to the Mayor, Commissioner Wado forwarded a letter from Police Inspector Dennis F. Sweeney and copies of affidavits made by three detectives. Inspector Sweeney had informed the Commissioner that on July 17 last, he had asked Magistrate Kernochan to issue warrants against "John Dickman," "John Cardman," and others who had been seen gambling at 207 Seventh avenue and that the Magistrate had declined to issue warrants on the ground that no evidence had been obtained from the inside.

The Inspector wanted warrants for pooling and craps. He said that three of his men, Patrolmen Louis F. Costuma, William F. Donnelly and Peter Trumfeller had been watching the place in Seventh avenue. On the ground floor there is a cigar store run by Daniel Sherer, and that immediately in the rear is a poolroom, run according to the policeman who made affidavits, by Samuel Sherer, a brother of the cigar stand man. The policeman slipped around to the back of the house and climbed to a rear window. They saw, they said, at least ten men watching a game of craps and playing craps. They said they heard calls for money to be put up.

Pretty soon, according to the affidavits, some of the folks inside got on to the fact that they were being watched and looked out. There was some excitement for a minute or two but it was quieted when a man who seemed to be the boss cried out, "Don't run. They can't come in. Keep still and we'll be all right." The policeman didn't try to make an entry. They reported to the Inspector the next day. It was then that Magistrate Kernochan asked for inside evidence.

After the Mayor had read over the affidavits he wrote this letter to Chief Magistrate McAdams:

Sir: The Police Commissioner has laid before me a case in which Magistrate Kernochan refused to issue a warrant to arrest gamblers, although the affidavits of three policemen were actually seen the gambling were put before him. The premises are at 207 Seventh avenue. Those policemen saw the gambling from a window on the outside and also heard the calls for money and so on and yet the Magistrate refused to grant a warrant on the ground that they did not see the evidence on the inside, as he expressed it. Will you be so good as to thoroughly investigate this case? It is quite useless for me to have the police do their duty only to be met by such conduct as this on the part of a Magistrate.

Magistrate Kernochan said last night that no formal complaint had been made to him as to gambling at the Seventh avenue place.

"I remember," said the Magistrate, "that some days ago a police lieutenant came to me and said that he knew there was gambling going on at a place he mentioned. I asked him how he knew it. He said, 'leaving over my desk that he had watched from a window.' I told him that that wasn't the kind of evidence on which to get a warrant. I don't believe he had any evidence, and furthermore I don't believe he thought he had. What I said seemed to satisfy him completely."

GAYNOR TO LOWELL.

College Boys Should Play Fair—Text of Letter He Wrote on July 19 Last in Reply to a Letter from President A. Lawrence Lowell of Harvard concerning the kind of board of education provided for in the proposed new charter made this statement.

President Lowell wrote me about a controversy with me about a board of education. I have no objection to that, but it seems strange that when he writes to me and when I write to him he straightens out his position. I suppose there is a very different spirit to that. All the college boys I know have the spirit of playing the game fair.

The Mayor's letter, which was suppressed, he says, is as follows:

DEAR PRESIDENT LOWELL: I thank you for your letter of July 14. I am wholly unable to compare a small board of education in this city to a board of directors of a bank or other business corporation. On the contrary, a small board of education here would have to devote all of its time to the actual work of administration. You are of course aware of the amount of money which it takes to run our Department of Education and of the amount of work which it takes apart from governing and supervising the methods of instruction. I can say to you as a practical man that I do not wish to appoint a small board of education without the members being paid. For I know that I cannot get competent persons to give all of their time to it as they would have to do. My position is that unless the small board is to be paid we should retain the present large board. Dr. Abbott is in favor of a small board, and substantially every one who has looked into the matter for the simple reason that our large board is a failure. Nevertheless, I should rather than try to put together a small unpaid board. The action that the members of a small board could carry on their own business as well as do the work of the board is a mistake one. They could do no more than neglect their public duties. Very truly yours,

W. J. GAYNOR, Mayor.

ON ABATING PRESS RUFFIANS

MAYOR TELLS GEORGIA EDITORS WE'VE GOT SOME BAD ONES.

Down South They Might Have to Answer on the Street Corner for "Lying and Scandalizing" and It May Be That That Will Come to Pass in the North.

Several dozen Georgia editors of weekly papers, who are here to see the sights, got a talk on journalism from Mayor Gaynor yesterday before Commissioner Edwards and Robert Adamson, the Mayor's secretary, towed them down to Coney Island. The Mayor told the Georgians that New York had a very respectable press, although there were some "lying and scandalizing editors," and that "the chiefest of these think they are fit to hold any office."

A. S. Hardy, president of the Georgia Weekly Press Association, introduced the Mayor to the company. Here are some of Mr. Gaynor's remarks:

I am surprised to see the number of ladies who write for papers and edit papers in your State. That is quite unusual, if you are all editors and writers. We have not so large a proportion here in this city, but maybe some of you are the wives of editors.

You have a well edited press in the South. You tell the truth. Your papers are moderate in tone. I am sorry to say that there in this city we have some newspaper proprietors who are absolutely corrupt—there is no other word to express it—who do not hesitate in saying any falsehood or entering any home or uttering any falsehood with regard to those in office without scruple. I may say that we have newspaper proprietors here who are awake nights to invent what they can say in the press here. Here owing to the press here because the tone of so many of our New York papers is so excellent and the management of them is excellent.

New Police Pension Board.

A pension board of the Police Department was created yesterday by order of Commissioner Wado. Hitherto the granting of pensions has been in the hands of the Commissioner or a Deputy Commissioner.

The new board is composed of Fourth Deputy Commissioner Dillon, Chief Clerk Rip, Capt. George J. Connelley, president of the beatmen's association, Lieut. Enright, president of the lieutenants' association, Sergt. Milon, head of the sergeants' association, and Patrolman McEntee, head of the patrolmen's association. They will convene at Headquarters from time to time at the call of Commissioner Dillon to fix all pensions of retired members of the department or of widows and orphans in cases where the pension is not fixed by law.

Kills Hearst Fire Prevention Bill.

The Mayor has declined to approve a fire prevention bill on the ground that it was "put together by agents of a certain newspaper proprietor of this city for the purpose of self-glorification and clapnet and that it unnecessarily because of the existence of a much better bill, the one suggested by Rhineclauder Wado and favored by the Merchants' Association, and the Mayor will approve the latter bill when it is submitted to him.



At the International Polo Matches, at Newport and at the Varsity Races, wherever men of the smarter sort meet, the low cutaway front and high back collar of the CONCORD type is favored. It is an

ARROW Notch COLLAR

15 cents each—2 for 25 cents

Crest, Peabody & Co., Makers, Troy, N. Y.

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Write in the issue desired: Daily, Daily and Sunday or Evening.

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Hand this form and the money to your news-dealer or send it to The Sun with the proper remittance.

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Another plum falls! The "Delpark" makers discontinue some lines of their "lock-in-one" athletic underwear.

Sleeveless shirts and knee drawers of thin white madras of various patterns.

1512 sell regularly for 75c.

1213 sell regularly for \$1.00.

273 sell regularly for \$1.25.

55c now.

Other plums scattered all through our Summer suits.

Specialty luscious savings at \$20 and \$25.

ROGERS PEET & COMPANY,

Three Broadway Stores

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The trip to Saratoga, Lake George and the summer resorts of the Northland is made cool and comfortable if you go by the great steamers of the Albany Day Line.

A special D. & H. train leaves the Albany wharf on the arrival of the steamer, or you can be comfortable at one of the fine Albany hotels and finish your trip the next day.

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